



JUDICIAL COUNCIL OF CALIFORNIA

CENTER FOR JUDICIAL EDUCATION AND
RESEARCH ADVISORY COMMITTEE

CJER Advisory Committee Meeting Minutes December 3, 2019 San Francisco

Present: Hon. Kimberly A. Gaab, Hon. Darrell S. Mavis, Hon. Michele M. Castillo, Hon. Michael A. Fagalde, Mr. Joseph Ford, Hon. Janet Gaard, Mr. Jason Galkin, Hon. Michael S. Groch, Hon. Mark A. Juhas, Mr. Kevin J. Lane, Hon. Elizabeth G. Macias, Hon. Mary Ann O'Malley, Hon. Gayle L. Peron, Ms. Bonnie Sloan, Hon. Daniel Zeke Zeidler

Staff: Ms. Karene Alvarado, Dr. Mary Ann Koory, Mr. Gavin Lane, Mr. Jason Mayo, Ms. Lynn Muscat, Ms. Rhonda Sharbono, Mr. Steven Warner, Ms. Hazel Houle

Not Present: Hon. Richard D. Huffman, Hon. Michael A. Knish, Hon. Robert J. Trentacosta, Dr. Cindy Van Schooten, Mr. Martin Hoshino

Opening

Judge Gaab opened the meeting at 12:00 p.m. and announced that the first agenda item was open to the public.

OPEN MEETING

Approve 2020-2022 Education Plan

Judge Gaab noted that as part of their preparation for developing the education plan, the curriculum committees review the entire curriculum for each of their subject matters, and identify gaps in the curriculum. She said that there were two curriculum committees that requested additional statewide programming to be added. These requests were not reflected in the education plan in the meeting materials and they are in addition to the plan that the CJER Advisory Committee reviewed in September. They are as follows:

1. The criminal law committee requested a second annual offering of each of the following courses.
 - a. Advanced Felony Sentencing
 - b. Death Penalty Trials

c. Homicide Trials

2. The Probate Law Curriculum Committee requested that the advanced probate program be reinstated.

Judge Gaab explained that the CJER Advisory Committee at its January 2019 meeting had voted to reduce the criminal offerings and eliminate the probate event because of budget constraints, and the curriculum committees are now requesting that the courses be reinstated.

Judge Gaab said the reason these courses were eliminated was because of a severe shortage in staffing which was not sufficient to support this programming. She recalled that the CJER Advisory Committee had a robust discussion about these courses in January 2019, specifically about what would be eliminated, and looked at all of the curriculum. With respect to the probate course, the committee determined that the Advanced Probate program has effectively become a second institute for this audience, while all other substantive law institutes are only offered once every other year. The committee concluded that one Probate Law Institute every other year is sufficient. With respect to the criminal law courses, the death penalty trials, homicide trials, and advanced felony sentencing are still being offered once a year, so that resources may be devoted to the primary assignment orientations, particularly with respect to criminal law, for which there is great demand.

Judge O'Malley stressed that sentencing is vital and important to a lot of judges. She asked if the CJER Advisory Committee has the place and arrangements to be able to accommodate those requests.

Ms. Alvarado said that the reason CJER did not add these programs to this education plan is because the CJER management team met and determined that CJER does not have sufficient resources to add additional programming. She noted that the Criminal Law Curriculum Committee certainly has the ability to switch out felony sentencing, or some other programming, and they can replace one of the existing programs to beef up felony sentencing offerings, but CJER does not have the resources to increase the number of live program offerings.

Judge Gaab said that there may have been some confusion with respect to the curriculum committees as to why the reductions were made, in that there was a mistaken belief that they were made exclusively as the result of coordinator vacancies with CJER, which is not accurate. She noted that these curriculum committees are asking for additional programming beyond what the CJER Advisory Committee and CJER staff determined that it has sufficient resources to provide, so something else would need to be cut in order to offer this programming.

Judge O'Malley asked if CJER could up their numbers if they wanted to, so instead of 20, they could make it 30 or even 35?

Ms. Alvarado responded affirmatively.

Judge Peron moved to approve the final version of the 2020-2022 Education Plan.
Judge O'Malley seconded, and the motion was unanimously approved.